

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

**ERIC R. BAHE, Custodian, CGM Roth  
Conversion IRA,**

**Plaintiff,**

**Civil Action No. 04-11195 (MLW)**

**v.**

**FRANKLIN/TEMPLETON DISTRIBUTORS,  
INC., FRANK T. CROHN, BURTON J.  
GREENWALD, CHARLES RUBENS II,  
LEONARD RUBIN, and WILLIAM J. LIPPMAN,**

**STIPULATION**

**Defendants, and**

**FRANKLIN BALANCE SHEET INVESTMENT  
FUND,**

**Nominal Defendant.**

All parties, by their counsel, stipulate and agree as follows:

1. This action be and it hereby is dismissed as against each of Messrs. Crohn, Greenwald, Rubens and Rubin, without prejudice, and their names shall no longer be included in the caption of any papers filed in this action;

2. All defendants agree that the issue of failure to make pre-suit demand on the Trustees, with respect to all claims against the defendants Franklin/Templeton Distributors, Inc. and William J. Lippman, is waived, and will not be raised at any time in the future in this action. Franklin/Templeton Distributors, Inc. and William J. Lippman further agree that the issues of lack of personal jurisdiction and improper venue are also waived as to them, and will not be raised at any time in the future in this action;

3. Franklin/Templeton Distributors, Inc. and William J. Lippman shall have until on or before November 17, 2004 to serve their reply papers on the Motion to Dismiss.

/s/ Edward F. Haber

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Rubens and Rubin

Dated: October 29, 2004

So Ordered:

Mark L. Wolf  
United States District Judge.